

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DANETTE M. MOORE, et al.,  
Plaintiffs,  
v.  
PETSMART, INC.,  
Defendant.

Case No. [5:12-cv-03577-EJD](#)

**ORDER DENYING OBJECTOR'S  
MOTION FOR RECONSIDERATION,  
DENYING MOTION FOR ORDER  
SHORTENING TIME TO HEAR  
MOTION FOR RECONSIDERATION**

Re: Dkt. Nos. 121, 122

Presently before the Court are Objecting Class Member Lindsey Loomis's ("Objector Loomis") Motion for Reconsideration pursuant to Federal Rule of Civil Procedure 54(b), and Motion for Order Shortening Time to Hear Motion for Reconsideration. See Dkt. Nos. 121, 122. Objector Loomis's motions arise from this Court's decision at oral argument, held on March 12, 2015, to overrule Objector Loomis's objections to the final approval of a class action settlement and a corresponding motion for attorneys' fees. See Dkt. Nos. 96, 97, Objections filed by Objector Loomis. For the following reasons, these motions are DENIED.

First, pursuant to Civil Local Rule 7-9(a), a party seeking to file a motion for reconsideration must first seek leave to file a motion for reconsideration. Here, Objector Loomis did not seek leave to file a motion for reconsideration. Thus, her Motion for Reconsideration fails for this reason alone.

Second, even if Objector Loomis were to seek leave to file a motion for reconsideration, it would be denied. "A district court may properly reconsider its decision if it (1) is presented with

newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” Smith v. Clark Cnty. Sch. Dist., 727 F.3d 950, 955 (9th Cir. 2013). “A finding is clearly erroneous when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” Pac. Coast Fed’n of Fishermen’s Ass’n v. Locke, 2011 WL 289927, at \*2 (N.D. Cal. Jan. 27, 2011) (Breyer, J.). “A decision is manifestly unjust if it contains an error that is direct, obvious, and observable.” Id.

Objector Loomis contends that this Court’s decision was clearly erroneous and manifestly unjust because the ground for overruling Objector Loomis’s objections is not supported by law. Dkt. No. 121 at 4. Objector Loomis argues that upon discovering the absence of a signature on the objections, she corrected the deficiency and filed the signed documents with the Court. Id. Moreover, Objector Loomis argues that a signature on the objections was not required because objections to class action settlements need only to be mailed to the court clerk, and not filed; only documents that are filed with the court must be signed. Id. at 4-5. Lastly, she claims that the parties were not prejudiced by the absence of her signature on the objections. Id. at 5.

The grounds for which this Court overruled Objector Loomis’s objections is not based solely on the absence of a signature. In addition to that defect, Objector Loomis was unable to explain why a photocopy of the objections contained an original signature and was unable to state when the documents were signed. Moreover, Objector Loomis’s basis for objecting to the parties’ motion for final approval of class action settlement and motion for attorneys’ fees was unpersuasive. Given these reasons, this Court’s decision to overrule Objector Loomis’s objections was not erroneous or manifestly unjust.

Third, pursuant to Civil Local Rule 7–9(d), no hearing is held on a motion for reconsideration. Thus, Objector Loomis’s Motion for Order Shortening Time to Hear Motion for Reconsideration is unnecessary.

For the foregoing reasons, Objector Loomis's motions are DENIED.

**IT IS SO ORDERED.**

Dated: March 19, 2015

  
EDWARD J. DAVILA  
United States District Judge

United States District Court  
Northern District of California